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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,212

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Shusaku Chiba

AZU-006

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10/31/2008

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EXAMINER

LOPEZ, FRANK D

ART UNIT

PAPER NUMBER

3745

MAIL DATE

DELIVERY MODE

10/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,212	Applicant(s) CHIBA, SHUSAKU	
	Examiner F. Daniel Lopez	Art Unit 3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 17 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) 7 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

Applicant's arguments filed July 17, 2008, have been fully considered but they are not deemed to be persuasive.

Applicant's arguments with respect to claims 1, 2, 4-6 have been considered but are deemed to be moot in view of the new grounds of rejection. The new grounds of rejection are necessitated by the added limitations that the lip side grooves "completely penetrate therethrough to open at a front end of said inner lip" (claim 1 last 3 lines).

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 1, 2 and 4-6 are rejected under 35 U.S.C. § 103 as being unpatentable over Takano et al in view of Galser and Bastow. Takano et al discloses a master cylinder comprising a piston (13) slidably inserted into a cylinder bore and cup shaped seal, and defining a pressure chamber (17), a communication path (29) in the cylinder body communicating with a reservoir; a relief port (56) in the piston always communicates with the chamber and allows communication between the communication path and the chamber; the seal (46) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member (74) connected to annular inner (75) and outer (76) lips; wherein when the master cylinder is operative, the relief port is isolated from the communication path and when the master cylinder is inoperative, a space is formed between the seal and the relief port, allowing communication between the communication path and the relief port, via the base side grooves; wherein the inner lip is thicker than the outer lip (due to the taper); and wherein a passage (32) through a backup member (33), communicates with the communication path and allows communication between inner and outer peripheral sides of the base portion; but does not disclose that the seal includes a base side fluid passage grooves (126) formed in the base portion to radially extend to allow communication between inner and outer peripheral sides of the base portion, which communicates with the communication path; or that the inner lip includes lip side fluid passage grooves extending radially to completely penetrate therethrough to open a front end of the inner lip.

Galser teaches, for a master cylinder comprising a piston (52) slidably inserted into a cylinder bore and a cup seal, and defining a pressure chamber (56), a communication path in the cylinder body communicating with a reservoir (44); a relief “port” (136) in the piston always communicates with the chamber and allows communication between the communication path and the chamber; the seal (120) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member connected to annular inner and outer lips; and radially extending lip side grooves (132) in the inner lip; wherein when the master cylinder is operative, the relief valve is isolated from the communication path and when the master cylinder is inoperative, a space is formed between the seal and the relief port, allowing communication between the communication path and the relief port; that the seal includes a base side fluid passage grooves (126) formed in the base portion, which communicates with the communication path and allows communication between inner and outer peripheral sides of the base portion, via the base side grooves.

Since the passage through the backup member of Takano et al and the base side grooves of Galser perform the same function in the master cylinder art; it would have been obvious at the time the invention was made to one having ordinary skill in the art to replace the passage in the backup member of Takano et al with base side fluid passage grooves (126) formed in the base portion, as taught by Galser, since one having ordinary skill in the art would have been able to carry out such a substitution and the resulting combination would predictable work in the same manner

Bastow teaches, for a device comprising a piston (39) slidably inserted into a cylinder bore and defining a pressure chamber; a cup seal (10) received in a concavity in an inner periphery of the cylinder bore and having a laterally facing U-shaped section including an annular base member (13) connected to annular inner (14) and outer (15) lips; wherein the piston is slidably inserted into the seal; wherein the inner lip touches a portion of the concavity; that the inner lip includes lip side fluid passage grooves (21) extending radially to completely penetrate therethrough to open a front end of the inner lip, for the purpose of allowing fluid in the chamber to flow to the space between the lips (column 2 line 66-69).

Since Takano et al and Bastow are both from the same field of endeavor, the purpose disclosed by Bastow would have been recognized in the pertinent art of Takano et al. It would have been obvious at the time the invention was made to one having ordinary skill in the art to includes lip side fluid passage grooves in the inner lip of Takano et al, which extend radially to completely penetrate therethrough to open a front end of the inner lip, as taught by Bastow, for the purpose of allowing fluid in the chamber to flow to the space between the lips.

Conclusion

Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:00 AM -4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is 571-273-8300. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.

/F. Daniel Lopez/

F. Daniel Lopez
Primary Examiner
Art Unit 3745
November 1, 2008